

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN PAUL MANN,

Plaintiff,

Case no. 1:14-CV-1285 (GTS/TWD)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OFFICE OF PETER M. MARGOLIUS
Counsel for Plaintiff
7 Howard Street
Catskill, New York 12414

OF COUNSEL:

PETER M. MARGOLIUS, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

LAUREN E. MYERS, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this action filed by John Paul Mann (“Plaintiff”) against the Commissioner of Social Security (“Defendant”) pursuant to 42 U.S.C. § 405(g) seeking Social Security disability insurance benefits and Social Security income benefits, is the Report-Recommendation of United States Magistrate Judge Thérèse Wiley Dancks, issued pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 72.3(c) of the Local Rules of Practice for this Court, recommending that Defendant’s decision denying Plaintiff Social Security disability insurance benefits or Social Security income benefits be reversed and that this matter be remanded to Defendant. (Dkt. No. 13.) The parties have filed no Objection to the Report-

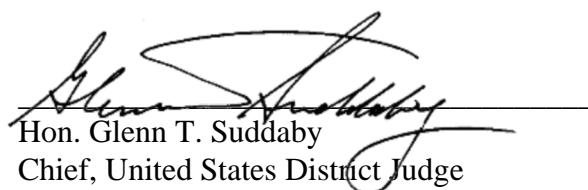
Recommendation, and the time in which to do so has expired. (See generally Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety, Defendant's decision is reversed, and this matter is remanded to Defendant.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 13) is ACCEPTED and ADOPTED in its entirety; and it is further
ORDERED that Defendant's decision is REVERSED; and it is further
ORDERED that this matter is REMANDED to Defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Decision and Order.

Dated: November 12, 2015
Syracuse, New York



Hon. Glenn T. Suddaby
Chief, United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).